

MINUTES

**TENNESSEE SOLID WASTE DISPOSAL CONTROL BOARD MEETING
RUTH NEFF CONFERENCE ROOM
17TH FLOOR, L & C TOWER
401 CHURCH STREET
NASHVILLE, TENNESSEE**

OCTOBER 7, 2003

Board Members Present:

Mr. Charles Crow
Mr. J. P. Newman, Chairman
Mr. Jack O'Grady
Mr. Ken Pointer
Mr. Robert Waddell
Mr. Bob Whetsel
Mr. Glenn Youngblood

Board Members Absent:

Mr. Wilton Burnett
Mr. Dave Kirk
Dr. Greg Nail
Mr. David Wallace

Chairman Newman called the meeting to order at 9:10 a.m. After noting that a quorum was present, he welcomed the board members and guests.

I. **SOLID WASTE DISPOSAL CONTROL BOARD MATTERS**

A. **Approval of Minutes from the June 3, 2003 Board Meeting**

Chairman Newman asked if the Board members had reviewed the Draft Minutes from the August 5, 2003 Board Meeting. There were no questions or changes by the Board members. A **motion** was made by Mr. Pointer and **seconded** by Mr. Youngblood **to approve the Minutes from the August 5, 2003 Board Meeting as presented. The motion carried unanimously by voice vote.**

B. **Election of Vice Chairman**

Chairman Newman stated that Mr. Waddell is the second Vice-Chairman. Chairman Newman suggested that Mr. Waddell serve as Vice-Chair for the remainder of the year. A **motion** was made by Mr. Whetsel and **seconded** by Mr. Pointer **to approve Mr. Waddell as Vice-Chairman for the remainder of the board calendar year. The motion carried unanimously by voice vote.**

C. **Approval of Schedule for Board Meetings in 2004**

Chairman Newman explained to the new board members how the dates for the meeting are chosen. The board meets the first Tuesday of the first full week of the month. He stated that if there is a conflict the meeting dates can be adjusted for scheduling purposes. A **motion** was made by Mr. Youngblood and **seconded** by Mr. Pointer **to approve the schedule for the board meetings in 2004. The motion carried unanimously by voice vote.**

D. General Business/Staff Reports

Jamie Burroughs, in the Treatment, Storage and Disposal Section of the Division of Solid Waste Management, presented her report for the last four quarters, from October 1, 2002 through September 30, 2003. The report includes the corrective action activities, permitting activities, closure activities, modifications and the fees collected during that period.

Mr. Whetsel asked if the numbers on the last page are for the year or the quarter. Ms. Burroughs stated that the numbers are for the years for those particular activities. It does not include annual money. It is just for permitting activities. There were no other questions from the board.

II. REGULATORY MATTERS

A. Proposed Superfund Amendments-Briefing

Mr. Jim Haynes, Director of the Division of Superfund spoke to the board members regarding new amendments to the fee rules in Superfund. The rule proposes to change the date that fees are due in from October the 15th to March the 1st.

A few board members asked Mr. Haynes about the timing of collection of fees and the fiscal impact involved in changing the due date. Mr. Haynes said that they were going to hold a hearing and try to work with people to try to find a way to make the new dates work. There were no other questions from the board.

B. Groundwater Protection Standards

Mr. Jeff Norman and Mr. James Clark with the Solid Waste Program presented a slide show regarding new groundwater protection standards. Mr. Norman stated that the Solid Waste Program is trying to make sure that any methane generated as the waste decomposes doesn't become a danger to the environment or anyone living around the landfill. The program is trying to make sure that the facilities are developed such that erosion controls are in place and no surface water issues have developed and ground water protection.

B. Fees, Annual Reports and Manifest Reporting on the Web

Mr. Jerry Ingram, Program Manager with the Hazardous Waste Program spoke with the board members about a pilot project for the Department. This project involves putting fees and annual reporting on the Department's website. This would allow industry to access the site, fill out appropriate forms and return them to the Department electronically.

A package was put together and presented to the Information Services Department (ISD) to see what they could do to place the information on the web. ISD reported back to the Division that the project would have to be on hold for the time being. They did not have the resources and were overburdened with other projects at this time. The Division asked if they could do the project in February of 2004. ISD reported that they could not even do it at that time. The Division is looking at other alternatives since the website is not an option at this time.

Several board members asked questions of Mr. Ingram regarding this proposal. Mr. Wayne Scharber with the Tennessee Chamber of Commerce and Industry made a plea in favor of the new program. Chairman Newman suggested that a letter be drafted on behalf of the board to the Commissioner in favor of the project. A letter was drafted

and signed to be sent to the commissioner on behalf of the board expressing the board's disappointment with the delay of development of the new web reporting system. A **motion** was made by Mr. Crow and **seconded** by Mr. Whetsel **to approve the letter from the board to the Commissioner expressing the board's disappointment with the delay of development of the new reporting system. The motion carried unanimously by voice vote.**

C. Proposal to Broaden Regulated Hazardous Waste Generator Universe.

Jerry Ingram, Manager with the Program Development Section, presented to the board the status of Revision "w" of the Hazardous Waste Rules. He also handed out proposed changes for Revision "x" of the Hazardous Waste Rules. A public rulemaking hearing is scheduled for October 21st in the 5th floor conference room. These changes proposed in Revision "x" reflect changes by EPA, housekeeping and typographical changes.

Mr. Ingram also explained to the board that the Division is proposing to change the name and acronym from Conditionally Exempt Small Quantity Generator to Conditionally Exempt Generator. There were several questions and comments from the board and audience members on this proposal. After much discussion Mr. Apple said that the Division would come back before the board in December with some more recommendations regarding this issue.

III. AGREED/CONSENT ORDERS

Mr. Max Fleischer presented three agreed orders.

A. Scott County Landfill SWM Case 02-0812/Scott County

During the time from December 2000 until November 2002, the Division conducted inspections at the facility and met with Scott County on several occasions. The violations observed at various inspections included the following: failure to provide adequate erosion control; failure to timely place final cover; failure to stabilize and maintain adequate intermediate cover; and failure to provide adequate grading and positive drainage to prevent pooling of water.

The Order required the Respondent within one hundred eighty (180) days of receiving the Order to complete the placement of final cover material on the facility; to complete final closure activities at the facility and certify closure to the Division in writing in accordance with the Division's rule and in accordance with the Respondent's permit; and to submit to the Division as-built drawings showing final contours.

The Agreed Order assesses \$59,500.00 civil penalties of which \$3,750.00 is to be performed as a supplemental environmental project (SEP). The Respondent has proposed to clean up five illegal dumpsites located in the County as a SEP. The remainder of the civil penalty is required to be paid within one hundred eighty (180) days of the entry of the Agreed Order unless waived by the Division due to the Respondent's compliance with the Agreed Order.

After review, a **motion** was made by Mr. Waddell and **seconded** by Mr. Whetsel. **The motion carried unanimously by voice vote.**

B. SaarGummi Tennessee LLC, SWM Case 03-0518

This Agreed Order resolves the violation resulting from the late filing of an annual report by a hazardous waste generator, SaarGummi, Tennessee, LLC. In this Agreed Order, the Respondent agrees to pay a civil penalty of \$3,000.00. The civil penalty originally assessed in the Director's Order was \$4,000.00.

After review, a **motion** was made by Mr. Youngblood and **seconded** by Mr. Whetsel. **The motion carried unanimously by voice vote.**

C. Tennessee Aluminum Processors

Beginning in November 1983 Tennessee Aluminum Processors (TAP) began operating an aluminum smelting plant on the site. At that time or shortly thereafter, the Respondent began placing on the site aluminum dross waste also known as slag waste. As of December 1991, TAP had stored approximately 125,000 cubic yards of slag waste on the site.

On January 16, 2002, a Commissioner's Order was issued to TAP requiring it to either reuse or dispose of the waste to a permitted landfill(s) over a three (3) year period. The Order assessed civil penalties of \$100,000.00, portions of which would become due unless TAP met certain deadlines for removal set out in the Order. On February 13, 2002, TAP filed its petition for review of the Order.

The Agreed Order requires TAP to remove and beneficially reuse the slag waste located on the site as an alternative daily cover at the Decatur County Landfill over a five year period based on the estimate that the estimated mass of the slag pile is 118,750 tons. The Order assesses \$100,000 in civil penalties, which shall be waived if TAP meets the

deadlines specified in the Order for removal of specific quantities of the waste.

After a question and answer period by the board, a **motion** was made by Mr. Whetsel and **seconded** by Mr. Pointer. **The motion carried unanimously by voice vote.**

IV. OTHER BUSINESS

There was no other business. A **motion** was made by Mr. Waddell and **seconded** by Mr. Youngblood. **The motion carried unanimously by voice vote** and the meeting was adjourned at 12:00.

SUBMITTED BY:

Mike Apple, Technical Secretary

Date

APPROVED BY:

J.P. Newman, Chairman
Solid Waste Disposal Control Board

Date